

IN RE: PETITION FOR ZONING VARIANCE  
WS Patapsco Avenue, opposite  
Central Avenue  
12th Election District  
7th Councilmanic District  
Charles M. Ray  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 400.1 to allow an accessory structure in the front yard in lieu of the required rear yard, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Charles M. Ray, appeared and testified and was represented by James F. McAvoy, Esquire. There were three Protestants who appeared and testified, namely, Mr. Louis Blazic, Ms. Anna Narowski and Mr. Peter M. Rose.

The evidence and testimony tend to establish that the Petitioner owns two lots of ground on the Patapsco River off of Patapsco Avenue. The total of both lots of ground is approximately 85 ft. x 250 ft. and is zoned D.R. 5.5. The property was the subject of a prior zoning variance case (#86-465A) in which was granted a garage that is nearly as large as the house on the site.

Petitioner's Exhibit 1 shows the garage much smaller than the house, however, the photograph (Petitioner's Exhibit 3), clearly, shows they are nearly equal in size. The Petitioner claims as his hardship that he needs more storage area. He built this illegal accessory shed to provide this additional space without a permit.

The Protestants object to any more development of this lot. They claim the Petitioner has more than enough storage space. They also claim the Petitioner does not keep the lot clean and he stores large amounts of trash on the site.

The Petitioner testified that he believes his request complies with Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). There was no testimony concerning the required protection of the Chesapeake Bay. There is no evidence the Petitioner's variance complies with the requirements of the Chesapeake Bay Critical Area laws or the requirements of Sections 307.2 or 500.14 of the B.C.Z.R.

The requirements of the Chesapeake Bay Critical Area legislation and of Sections 307.2 and 500.14 are mandatory and must be established by affirmative evidence. The Petitioner has failed to meet his burden of proof and must fail in his request.

Furthermore, the Petitioner is overcrowding the land in this case. The garage which was approved in case #86-465A was for the same reasons given in this case. The Petitioner has created his own hardship and wants his community to suffer from his actions. The property is poorly maintained and debris is everywhere. The Petitioner should use his oversized garage for storage. The storage shed is unnecessary.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of January, 1989 that the Petition for Zoning Variance from Section 400.1 to allow an accessory structure in the front

yard in lieu of the required rear yard, as more particularly described on Petitioner's Exhibit 1, be and is hereby DENIED and subject to the following restriction:

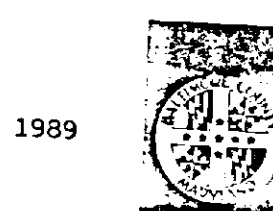
1. The Petitioner shall remove the subject storage shed on or before March 1, 1989.

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH/tmm  
cc: Peoples Counsel  
James F. McAvoy, Esquire, UAW Legal Services, Maritime Center, Suite 210, 6610 Tributary Street, Baltimore, Maryland 21224-6514  
Ms. Anna Narowski, 16 Patapsco Avenue, Balto. Md. 21222  
Mr. Louis Blazic, 16 Patapsco Avenue, Balto. Md. 21222  
Mr. Peter M. Rose, 11 Patapsco Avenue, Baltimore, Md. 21222  
Mr. Robert W. Sheesley, Dept. of Environmental Protection and Resource Management, County Courts Bldg., Towson, Md. 21204

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

January 10, 1989



James F. McAvoy, Esquire  
UAW Legal Services  
Maritime Center, Suite 210  
6610 Tributary Street  
Baltimore, Maryland 21224-6514

RE: Petition for Zoning Variance  
Case No. 89-230A  
Charles M. Ray

Dear Mr. McAvoy:

Enclosed please find the decision rendered on the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines  
Zoning Commissioner

JRH/tmm  
att:

cc: Peoples Counsel  
Mr. Charles M. Ray, 20 Patapsco Avenue, Baltimore, Md. 21222  
Ms. Anna Narowski, 16 Patapsco Avenue, Balto. Md. 21222  
Mr. Louis Blazic, 16 Patapsco Avenue, Balto. Md. 21222  
Mr. Peter M. Rose, 11 Patapsco Avenue, Baltimore, Md. 21222  
Mr. Robert W. Sheesley, Director, Dept. of Environmental Protection and Resource Management, County Courts Bldg., Towson, Md. 21204  
Mr. Wayne Northrup, State Dept. of Planning, State Office Building, 301 W. Preston St., Baltimore, Maryland 21201.

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-230-A CRITICAL AREA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1

To allow an accessory structure in the front yard in lieu of the required rear yard.

The lot is on the waterfront. Assuming the front of the house faces the water the rear yard is too small to accommodate an accessory building. The front yard is quite large. (Please note attached photographs).

If the variance is not granted I cannot place an accessory building on the property. The accessory building is needed for storage. The house does not have a basement.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
Charles M. Ray  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature

MAP SELE  
E.D. 12 H.  
DATE 5-11-89  
200 89  
TODD X  
DP

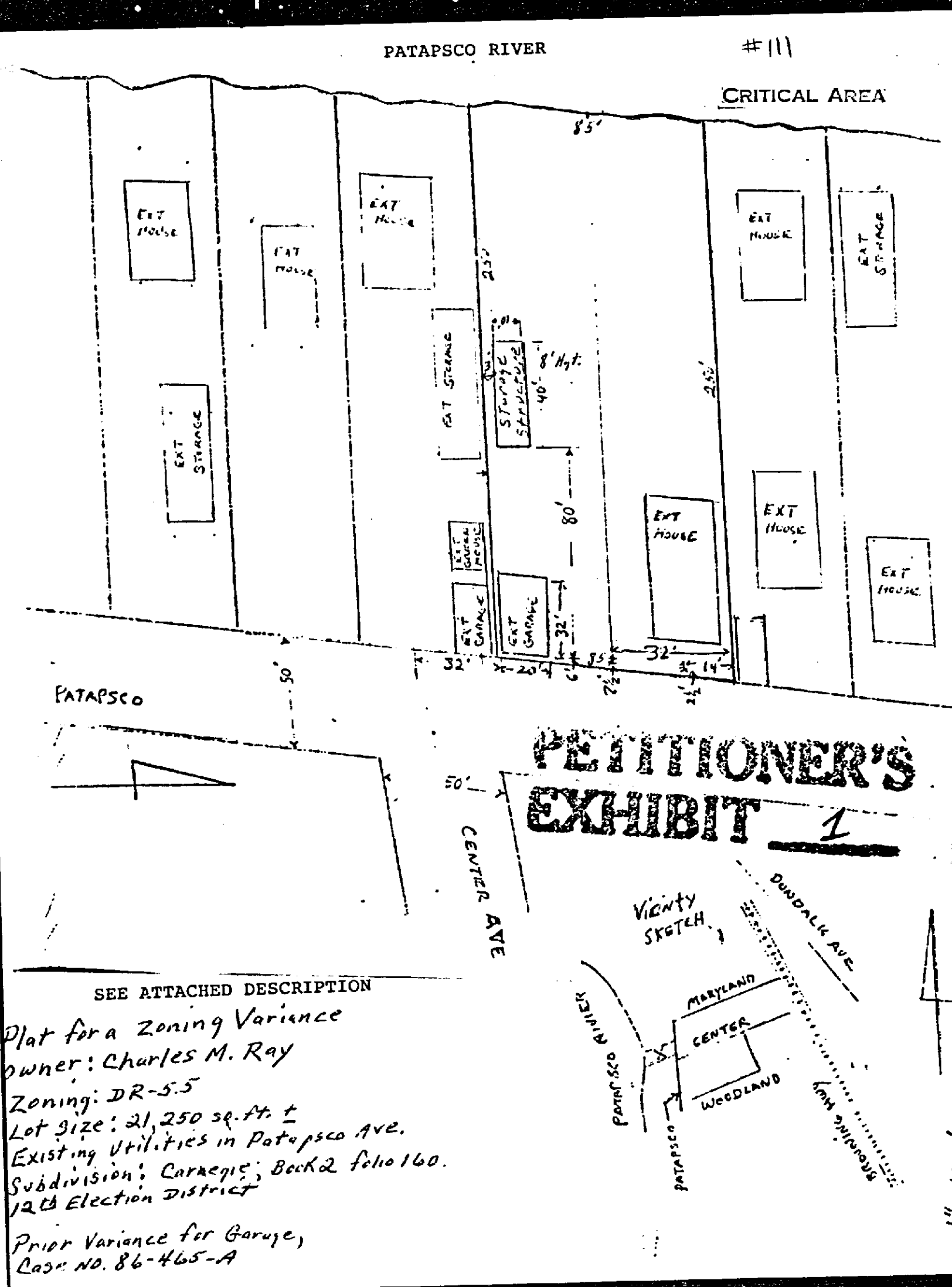
Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State

20 PATAPSCO AVENUE 282-2184  
Baltimore, Maryland 21222  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name  
Address  
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of December, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of December, 1988, at 2 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County.

(over)



Property known as 20 Patapsco Avenue in the 12th Election District.

BEING the south 25 feet of Lot No. 10, all of Lot No. 9 and the north 10 ft. of Lot No. 8 as shown on the Plat of the Aron Landlord Improvement Company recorded in the Land Records of Baltimore County in Plat Book J.W.S. 2, folio 160.

The property begins on the west side of Patapsco Avenue approximately 32 feet from the Centerline of Center Avenue. The dimensions of the property are 85 feet by 250 feet. The property runs along the Patapsco River for 85 feet.

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 28, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md, appearing on November 24, 1988.

THE JEFFERSONIAN,

P005900  
rg H20452  
case 89-230-A  
price \$59.38  
S. Zebe Olson  
Publisher

CERTIFICATE OF PUBLICATION

OFFICE OF  
Dundalk Eagle

4 N. Center Place  
P.O. Box 8936  
Dundalk, Md. 21222

Nov. 23, 1988

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings - Case #89-230-A - P.O. #05901 - Reg. #M20453 - 97 line \$48.50 - was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 24th day of November 1988; that is to say, the same was inserted in the issues of Nov. 23, 1988

Kimbel Publication, Inc.

per Publisher.

By K.C. Dille

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 12th  
Posted for: Variance  
Petitioner: Charles M. Ray  
Location of property: 20 Patapsco Ave. near Dundalk Ave.  
Location of Sign: 20 Patapsco Ave. near Dundalk Ave.  
Remarks: 12th  
Posted by: J. Robert Haines  
Date of return: 11/26/88  
Number of Signs: 1







WATER SIDE

SHEDS IN FRONT YARD

4 HOUSES ON MY LEFT

2 HOUSES ON MY LEFT

2 HOUSES ON MY RIGHT AND 3 HOUSES ON MY RIGHT

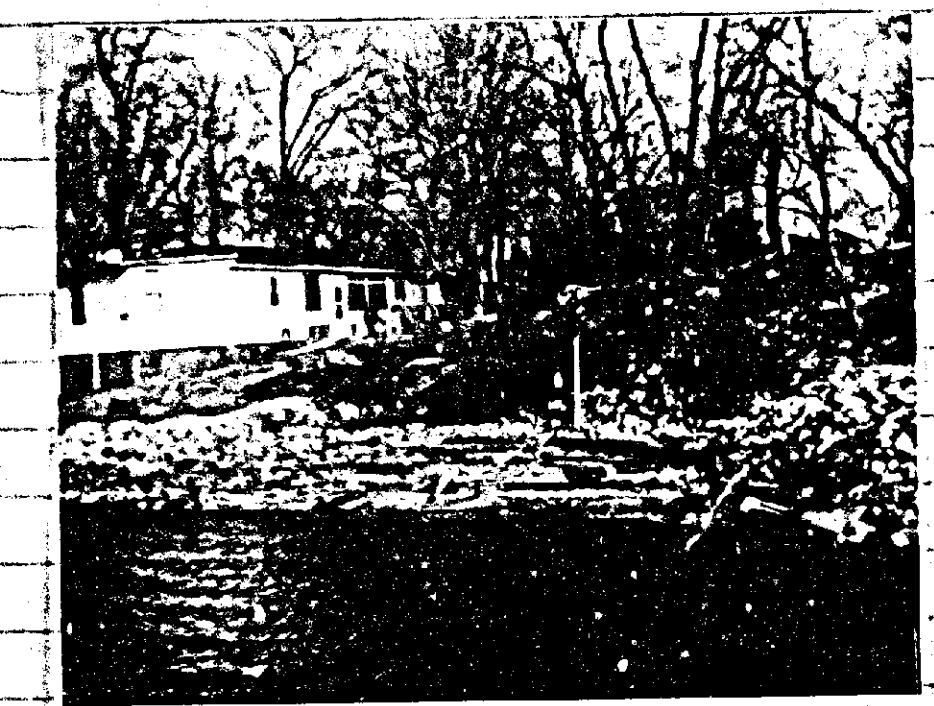
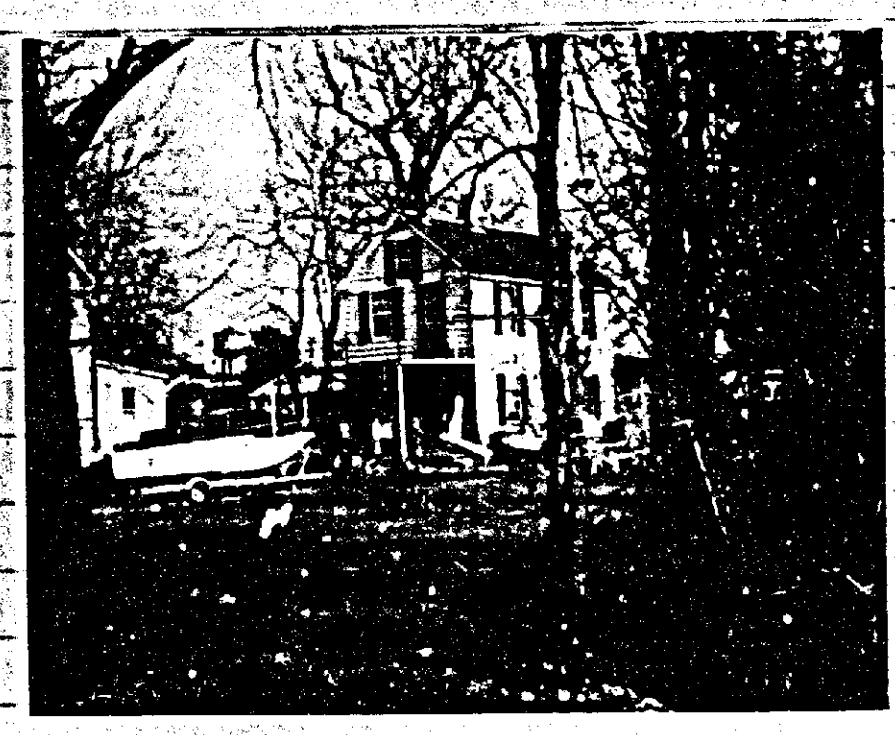
NEXT DOOR ON MY RIGHT



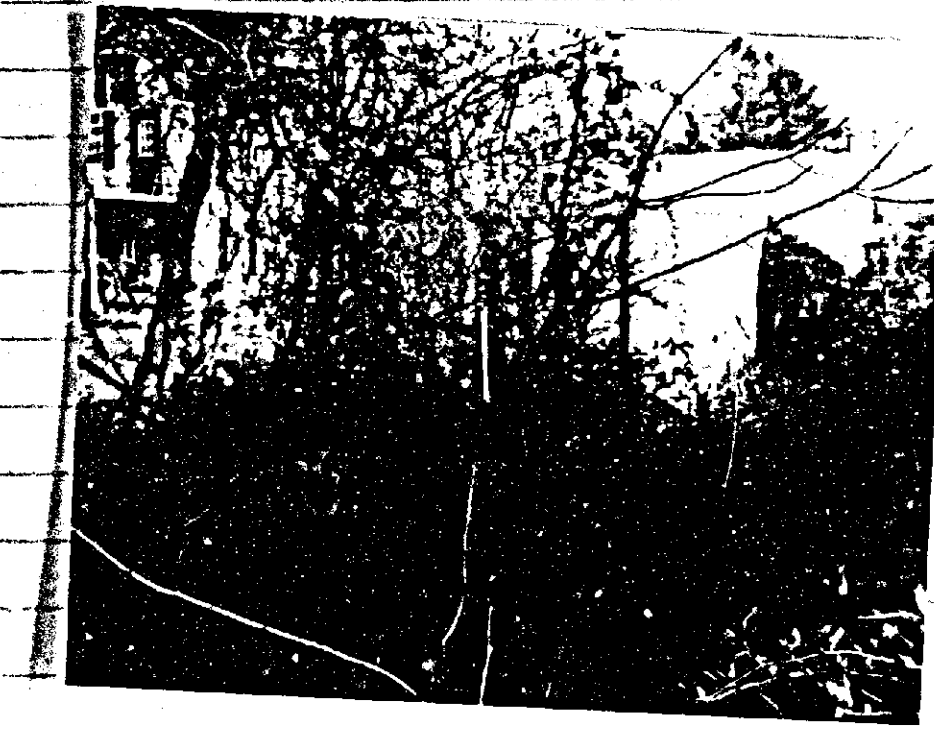
Protestant's Exhibit 1



Protestant's Exhibit 1



Protestant's Exhibit 1



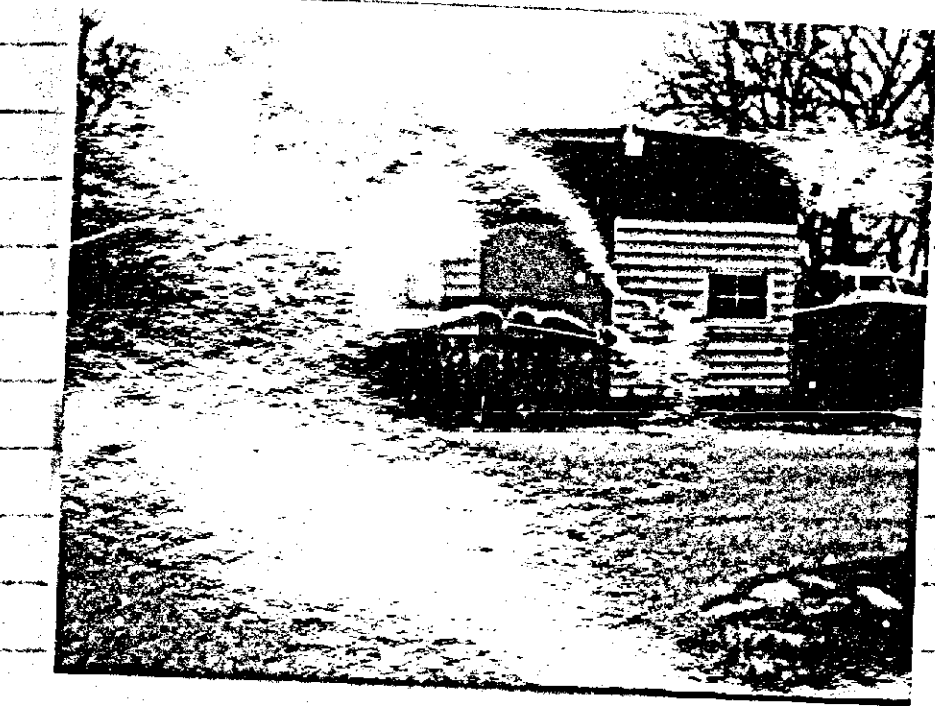
Protestant Exhibit 1



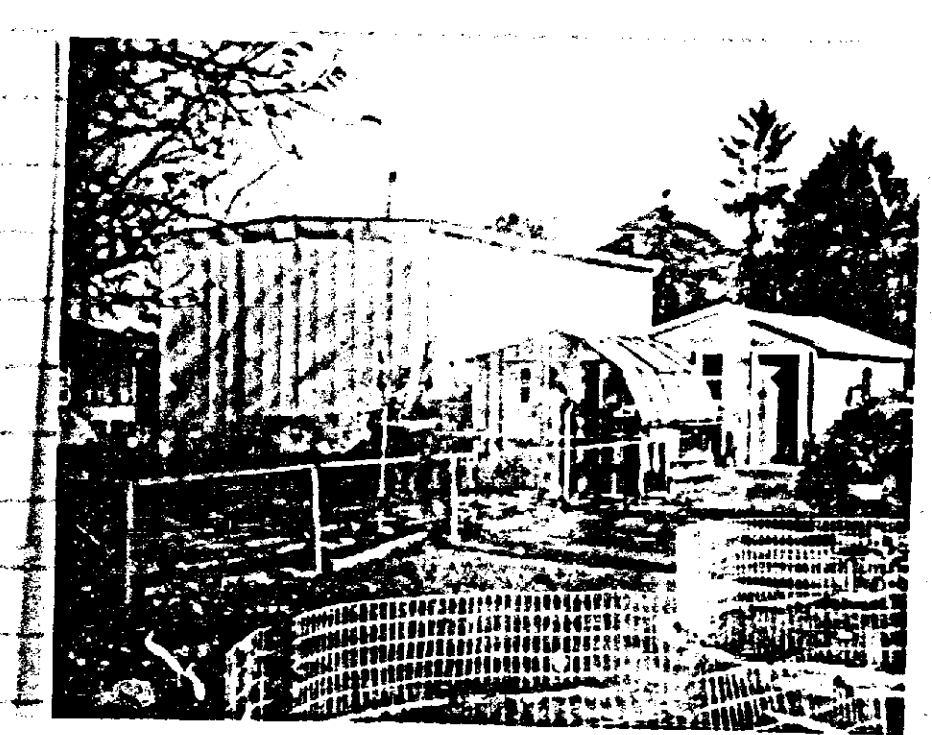
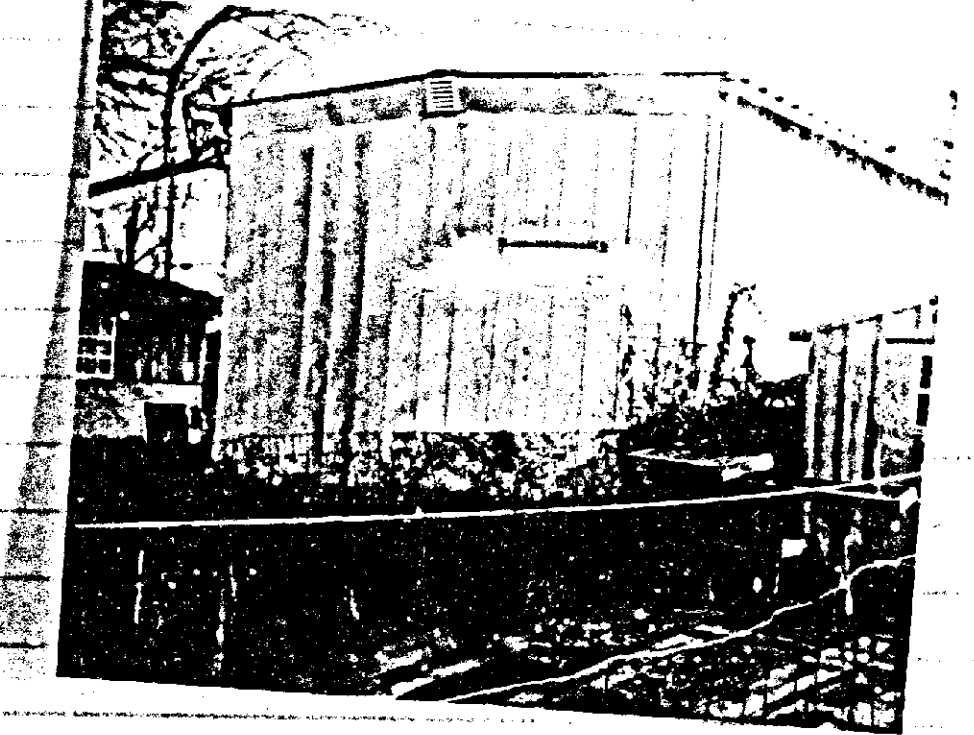
Protestant Exhibit 2



Protestant Exhibit 2



Protestant's Exhibit 3





89-230-A  
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
28th day of October, 1988.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner: Charles M. Ray  
Petitioner's Attorney: \_\_\_\_\_  
Received by: James E. Dyer  
Chairman, Zoning Plans  
Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines  
TO: Zoning Commissioner Date: November 29, 1988

Pat Keller, Deputy Director  
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petition Nos. 89-187-A (Ryan Homes); 89-188-A (Healy); 89-202-A (Crownell Station Joint Venture); 89-206-A (Krivitski); 89-207-A (Minton); 89-211-A (Div.-Greenspring Ave.); 89-212-A (Bollinger); 89-217-A (Dobrzynowski); 89-218-A (Yanchus); 89-228-A (Boese); 89-230-A (Ray) and 89-231-A (Katrak) - located in Critical Area and 89-235-A (Blevins)

The Office of Planning and Zoning has no comment on the proposed projects except as noted:

- All requests should be subject to the site plan as shown (use, size, location) and not uniformly applied to the lot. Any substantial deviation from the construction as shown will result in voiding of the approval.

PK/sf

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

September 28, 1988

Paul H. Reinke  
Chief

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204



Dennis F. Rasmussen  
County Executive

Re: Property Owner: Charles M. Ray  
Location: W/S Patapsco Avenue, opp. Central Avenue  
Item No.: 111 Zoning Agenda: Meeting of 9/27/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

2. A second means of vehicle access is required for the site.

3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

6. Site plans are approved, as drawn.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: \_\_\_\_\_  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 6, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

MEMBERS

Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Charles M. Ray  
20 Patapsco Avenue  
Baltimore, MD 21222

RE: Item No. 111; Case No. #89-230-A  
Petitioner: Charles M. Ray  
Petition for Zoning Variance

Dear Mr. Ray:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:scj

Enclosures

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
494-3554

October 28, 1988



Dennis F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 105, 106, 108, 109, 110, 111, 113, and 114.

Very truly yours,

*Michael S. Planigan*  
Michael S. Planigan  
Engineering Associate

MSF/lvw

RECEIVED  
NOV 9 1988

ZONING OFFICE

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

*Anna Macowski* *Pat Owens* 16 Patapsco Ave  
*Boris Blagov* " " 16 Patapsco Ave  
*Eda M. Ruel* " " 16 Patapsco Ave

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines  
Zoning Commissioner

DATE: October 25, 1988

FROM: Mr. Robert W. Sheesley

SUBJECT: Ray Property - Item 111  
Petition for Zoning Variance

RECEIVED  
OCT 27 1988

ZONING OFFICE

Subject property is located along Patapsco Avenue between Maryland and Center Avenue, fronting Patapsco River. The site is within the Chesapeake Bay Critical Area and is classified as Intensely Developed Area.

The applicant has requested a zoning variance to allow an accessory structure in the front yard in lieu of the required rear yard.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01 O>

The proposed development will comply with Critical Area law provided that the zoning petition is conditioned with the following requirements:

1. Three major deciduous trees or six conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided that 3,000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.

Mem. to Mr. J. Robert Haines  
October 25, 1988  
Page 2

2. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
3. Rooftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximum infiltration (see attached dry well design).

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 494-3980 if you require additional information.

*Robert W. Sheesley*  
Robert W. Sheesley, Director  
Department of Environmental Protection  
and Resource Management

RWS:DCF:tjs

Attachment

cc: The Honorable Ronald B. Hickernell

DESIGN 4:

Dry Well Designs. (Figure 5.8). Dry wells are a basic trench variation which are designed exclusively to accept rooftop runoff from residential or commercial buildings (Figure 5.8). Additional guidance on dry well design is available from Md WRA (1984). Basically, the leader from the roof is extended into an underground trench, which is situated a minimum of ten feet away from the building foundation. Rooftop gutter screens are needed to trap any particles, leaves and other debris, and must be regularly cleared.

Figure 5.8: Dry Well Design (adapted from Md WRA, 1984)

